

ENGLISH LAWYERS.

LORD KINGSDOWN'S RECOLLECTIONS OF THE BAR.

Lord Kingsdown's "Recollections of his life at the Bar and in Parliament," recently printed in London for private circulation, is elaborately reviewed in the last number of the *Edinburgh*. Of the author that magazine observes: "It was the deliberate opinion of the eminent judges who shared the labors of Lord Kingsdown at the Privy Council and in the House of Lords, as well as of the leading members of the bar who practised before him in those Courts of Appeal, that no man in our times has possessed and combined in an equal degree the highest qualities of the judicial mind: To quickness of perception and subtlety of intellect he united a facility of order which seemed as if by magic to assign to every argument and every fact its proper value, so that the obscure became clear and the intricate plain. To the cases before him, thus stripped of all disguise, he applied with certain knowledge the fixed mechanism of law, and at times the broad principles of jurisprudence, unfettered by technicality. Similar method and earnestness of perception seem to have been brought to the preparation of Lord Kingsdown's volume of "Recollections," from which we give a few extracts below:—

A FAST-WORKING VICE-CHANCELLOR.

When Sir John Leach was first Vice-Chancellor, his first interruptions were incessant. As soon as he understood, or fancied he understood the facts, he would hardly listen to argument. He trusted to his knowledge of the principles of equity, and in the most important cases he would not dispute with his notions must be law. He came on the bench with a full determination to clear off the arrears of his court, which in two or three years he effected; but he did not by never hearing a case through; by deciding against a plaintiff, and by giving judgment against the defendant without hearing a word, and there was a great deal of wit in a remark of Rose, in answer to somebody who was speculating on what the Vice-Chancellor would do when he got through all the cases in his court. "Do? why he will hear the other side."

Lord Eldon's slow method of equity was celebrated, and his fame in that respect penetrated where it could hardly have been expected to reach. I remember seeing a coach between Preston and Blackpool, which, to denote its speed, was called "the Vice-Chancellor." The effect of these proceedings on the part of the judge was to lead to constant alterations between him and the bar, which proceeded to such an extent that at one time he had determined to commit Sir E. Sugden, who, with much the same temper and courage, had a wonderful knowledge of cases, which each esteemed very highly. He called into court some of the leading counsel—I believe all the Queen's counsel—to speak to them on the subject; but they all dissuaded him from so violent a step, and, I believe, told him that his own violence was the cause of the unpleasant scenes which occurred. No judge could have done this, and have disposed of the same quantity of business in the same time without innumerable mistakes. The offensive manner in which he acted exasperated the counsel, and often occasioned appeals which otherwise they would not have brought. As a result of this was that Lord Eldon was more overpowered than ever, and his dilatoriness was more exposed to remark; for the whole of his time was occupied in rehearing matters which had already been before the Vice-Chancellor; the business was as much in arrears as ever in his court, and the suit was submitted in all doubtful cases, and expense and delay of two hearings, instead of having its merits disposed of by one hearing before Lord Eldon. The old Chancellor was naturally nettled and vexed, and could not always restrain the expression of his feelings. Every word that could anger Lord Eldon was carefully repeated to him, often probably with additions, by the counsel whom he had offended; and the Vice-Chancellor was on no better terms with his chief than with the bar.

When I knew Sir Samuel Romilly his business was so great, and he was so much engaged in politics, that, spite of his great industry, he was seldom master of his case when he came to court. Having the complete lead of the court, he was almost always for the plaintiff or the petitioner, and had therefore to begin. I have often seen his briefs with a short abstract of the facts and dates on the back of the first sheet, which had been made by some one who had read the brief for him (usually, I believe, his nephew), and from this, and what he had picked up at consultation, he was accustomed to state his case; his opening, therefore, was often loose, sometimes purposely so, in order to allow room for the reply. This course, very convenient for a counsel, but not very agreeable to opponents, was encouraged by the habits of Lord Eldon, who always heard a case from the beginning to the end, though his opinion was probably made up as soon as he had collected the facts, and who used to justify the practice by saying, half in jest and half in earnest, that when the defendant failed in satisfaction, the plaintiff was wrong; the plaintiff's counsel often succeeded in doing so in his reply.

As an advocate I think Sir Samuel Romilly approached in his own line as near perfection as it is possible for man to attain. He was familiar with the law and the practice of the court himself, and was very ready to state the law as known to the judges whom he addressed; he did not, therefore, waste time in arguing points which were untenable; he transacted the ordinary run of business like a man of business, without aiming at anything more, *par negotia neque supra*. But when any great occasion arose, especially when he came to try a doubtful case of long and important case, in which the feelings were at all engaged, nothing could be finer.

Whether, if Sir Samuel Romilly had lived to attain the Chancellorship he would have been as great a judge as he was at the bar must be considered as doubtful, having regard to the very rare instances in which the same men have been equally eminent in both characters. He seemed to possess all the requisites, but he might have been found deficient in the temper and patience which are necessary in the least show, are not the least important qualities of a judge.

A CURIOUS STORY—WHAT CAME OF A FAMILY LAW SUIT.

In 1830 an event happened which has decided the course of my subsequent life. Sir Robert Leigh, who had retired from Parliament in 1820, and had amassed by prudence and frugality a very large property, in addition to his paternal estate, which he had always been fond of Mr. and Mrs. Cooke, had kept up no intercourse with the rest of the family, and indeed, had apparently an aversion to them. The family estates had been settled by his father, in default of issue of his own body, on the issue of his brother (my grandfather), and would have been divided therefore (if the limitation had taken effect) amongst his five daughters, of whom my mother was the eldest. This settlement had greatly annoyed Sir Robert, and indisposed him towards those who had the chance of benefiting by it. In 1825 or 1826 he quarrelled with the rector of Wigan, had claimed titles of the Hindley Hall estate, which Sir Robert insisted was covered by a Farm Modus. The rector filed a bill in Chancery, and set down his cause at the Rolls. Sir Robert endeavored to retain Bickersteth, and was very angry when he found that he was retained on the other side. Still greater was Sir Robert's vexation when he was told that I was the next in business in the court, and that he must engage me. He submitted, however, though I believe with a very bad grace, and I was a mere boy, and, in short, considered his case as sacrificed. When his attorney, Mr. Gaskell, who was a perfect stranger to me, came to the consultation, I observed that I believed I had some interest, or might have some interest in the estate; when he informed me that the entail had been found faulty, and that Sir Robert had barred the remainder, after the limitations to his own issue, and his brother and their issue male. This did not much disturb me. On looking into the evidence I found that there was a fatal blot in our case. In order to maintain a Farm Modus, it was necessary to state precisely what lands were covered by it, and, if any were improperly included or improperly omitted, the Modus was held to be ill-judged, and a decree went against the defendant. On looking at an old map of the estate, I found that a small piece of land, taken in from the Modus, had been some fifty years before, was included in our answer as part of the ancient farm; the only chance for us was that the blot might not be hit.

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\$1,020,000 Par.	Cost, \$1,020,000.25

Real Estate, 20,000.00
Receivables for insurance made, 222,464.74
Unpaid claims, 1,193,543.43
Premiums, 1,193,543.43
Unsettled claims, 823,788.12
Income for 1868, 243,788.12
Losses paid since 1829, over \$5,500,000

Soon afterwards I was publicly announced as his heir, and showed me his will, which had been executed before going to the election at Wigan in June, 1831, when I believe he fully expected to be murdered, and where the event all but justified his apprehension.

It has always seemed to me that my introduction to Sir Robert Leigh is one of the most remarkable examples which I have ever seen of the important effects produced by circumstances apparently trivial, and which we are accustomed to call fortuitous. If the cause had come on for hearing some months earlier, or been set down in another court, I should probably have had nothing to do with it. If Bickersteth had not been already retained for the plaintiff, no doubt I should have been his counsel, and should have been obliged, probably, to make the observations which gave so much offense to Sir Robert Leigh made by Sharpe. At all events, I must have contended against his interest, and probably might have defeated him by observing the blot to which I have alluded, and which he would naturally have considered as a mere trick. In any event, the chance is that I should have lost or have failed to gain some £12,000 or £14,000 a year.

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